



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/773,677 08/773,677	12/24/96	KAO et al. KAO R	66263 66263

WELSH & KATZ
120 SOUTH RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606-3913

IM61/0410

EXAMINER	
PAUL MARCANTONI MARLANTONI, P	
ART UNIT	PAPER NUMBER
1755 1755	15

DATE MAILED: 04/10/98

Please find below a communication from the EXAMINER in charge of the application.

Commissioner of Patents.

The applicants have submitted a PTO-1449 after final rejection dated 3/13/98. However, applicants' are not in compliance with ~~either~~ 37 CFR 1.97 which details the requirements of the filing of a proper IDS or information disclosure statement. The following is noted:

1) The applicants did provide a legible copies of prior art patents and a proper PTO-1449 as is required under 37 CFR 1.98.

2) However, the applicants did not appear to provide either a **certification and petition** as is required under 1.97(e). They have given authorization in papers attached to the NOTICE OF APPEAL to charge "additional fees" which includes IDS fees. However, applicants have not provided a certification and petition and all these things must be provided prior to consideration of the references by the examiner under Rule 1.97.

4) Thus, the applicants are now required under the IDS rules 1.97-1.98 of providing a) certification under 1.97(e); b) petition; and c) fee of 1.17(i). NOTE: Applicants have the option of charging the proper amount to a deposit account number for ease in processing which they have appear to have done in the NOTICE OF APPEAL.

PAUL MARCANTONI
PRIMARY EXAMINER
GROUP 1100